



Atty. Dkt. No. 023971-0110

3747
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tsuneyasu NOHARA et al.

Title: INTAKE SYSTEM OF INTERNAL COMBUSTION ENGINE

Appl. No.: 10/077,924

Filing Date: 02/20/2002

Examiner: H. Huynh

Art Unit: 3747

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

07/15/2004 HUUONG1 00000030 10077924

01 FC:1806

180.00 OP

TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is being filed after the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application. Accordingly, a statement and fee are required.

RELEVANCE OF EACH DOCUMENT

In a counterpart Japanese application, a Japanese Office Action issued on June 29, 2004. According to an English translation of the Japanese Office Action obtained by Applicants' representative, the Japanese Patent Office made certain characterizations of the references.

According to the translation of the Japanese Office Action, document A2 “discloses as known technology a control means wherein a variable valve device is controlled in order to adjust the intake air quantity (refer to documents A3 and A4, if necessary.)”

According to the translation of the Japanese Office Action, “an intake system for an internal combustion engine wherein at least one part of the intake air passage is resinified is disclosed in document A5.”

According to the translation of the Japanese Office Action, “document A6 teaches an intake system for an internal combustion engine wherein the closing timing of the exhaust valve is advanced over the top dead center in the medium load range and the combustion gas is prevented from reversing towards the intake port side.”

According to the translation of the Japanese Office Action, “an intake system for an internal combustion engine having an operation angle changing mechanism is disclosed in document A7.”

As noted, the characterizations of the Japanese Patent Office noted above are based on an English translation obtained by Applicants’ representative. The disclosure of these characterizations should not be construed as an admission of or agreement to the opinions expressed in the Japanese Office Action.

Documents A1 and A3 claim priority based on the same first-filed application.

English translations of the foreign-language documents are not readily available. However, English language abstracts are provided herewith, and in this case there is additionally submitted herewith the foregoing English version of the Office Action and/or search report (or portions thereof) that provide the “degree of relevance found by the foreign office”. Therefore, foreign language documents have been submitted in compliance with the PTO requirements and should be considered by the Examiner (37 CFR §1.97, §1.98 and MPEP §609).

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

STATEMENT

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement.

The undersigned hereby states in accordance with 37 CFR §1.704(d) that each item of information contained in the information disclosure statement was cited in a communication

from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

FEE

A fee in connection with submission of an information disclosure statement under 37 CFR §1.97(d) in the amount of \$180.00 in accordance with 37 CFR §1.17(p) is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date July 14, 2004

By



FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5414
Facsimile: (202) 672-5399

Richard L. Schwaab
Attorney for Applicant
Registration No. 25,479

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application Number	10/077,924
Date Submitted: July 14, 2004		Filing Date	02/20/2002
Use as many sheets as necessary		First Named Inventor	Tsuneyasu NOHARA
Sheet 1 of 1		Group Art Unit	3747
		Examiner Name	H. Huynh
		Attorney Docket Number	023971-0110

JUL 1 4 2004		U.S. PATENT DOCUMENTS				
Examiner Initials ¹	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	5,123,388		KANESAKA	06-23-1992	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A2	JP	55-107011	A	NISSAN MOTOR CO., LTD.	08-16-1980		Abst.
	A3	JP	4-005457	A	USUI KOKUSAI SANGYO KK	01-09-1992		Abst.
	A4	JP	8-042381	A	HITACHI LTD.	02-13-1996		Abst.
	A5	JP	8-334070	A	NIPPONDENSO CO., LTD.	12-17-1996		Abst.
	A6	JP	9-209786	A	NIPON SOKEN INC.	08-12-1997		Abst.
	A7	JP	2001-065321	A	UNISIA JECS CORP., ET AL.	03-13-2001		Abst.

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.